IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 3724 of 2007()

CRIME NO.277/07 OF MANNUTHY POLICE STATION

PETITIONER/ACCUSED:

K.R.JAYACHANDRAN, AGED 48,
S/O. RAMAKRISHNA PANIKKAR, KUNNATHULLY HOUSE,
MANALUR VILLAGE, THRISSUR.

BY ADV. SRI.P.K.ASHOKAN
SRI.K.D.VINCENT
SMT.DHANYA P.ASHOKAN

RESPONDENTS:

---

1. THE SUB INSPECTOR OF POLICE,
MANNUTHY POLICE STATION, MANNUTHY, THRISSUR DIST.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 3724 of 2007

- -

Dated this the 5th day of July, 2007

O R D E R

Application for anticipatory bail. Petitioner is the first accused. The crux of the allegations against him is that he prevailed upon the defacto complainant to execute a document on 19.2.1996 inducing her to believe that the document is actually one to offer a property as mortgage. Fraudulently she was actually persuaded to sign a Sale Deed. The defacto complaint had come to know of this even in 1997. She had initiated civil proceedings also against the petitioner in 1997. Long later, in 2007, on coming to know that the first accused had assigned the property to the second accused and Accused 1 and 2 together had stood sureties for accused 3 to 5 offering this property as security, she had come to the criminal court in 2007 with a private complaint. The same was referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am

satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued subject, of course, to conditions, which shall ensure the interests of a fair, efficient and expeditious investigation.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 12.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 13.7.07 and 14.7.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioner does not appear before the learned Magistrate as

directed in clause (1) above, these directions shall lapse on 12.7.06 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 12.7.2006 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 12.7.2007.

(R. BASANT)
Judge

tm